

Virus: Inmates ask state Supreme Court to order releases

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By Gene Johnson

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SEATTLE – A group of Washington prison inmates asked the state Supreme Court on Tuesday to order the release of prisoners at high risk from the coronavirus.

Columbia Legal Services, a nonprofit that advocates for social and economic justice, filed a petition on behalf of the inmates with the high court Tuesday – along with declarations from the former Department of Corrections secretary and the state hospital association supporting their position.

The petition warns that an outbreak in the prisons would be devastating and says all inmates over 50, those with underlying medical conditions, and those who are due to be released within 18 months should be freed now to reduce the risk of a outbreak.

“The COVID-19 virus represents a serious and unprecedented risk to the health and safety of people in DOC custody and DOC staff,” retired Corrections secretary Dan Pacholke wrote. “This risk makes it imperative that DOC immediately take steps to proactively respond to the virus to protect those individuals.”

Gov. Jay Inslee’s office said in an email he is aware of the issue, takes it seriously and is talking with the department about it. While DOC has had four confirmed cases of COVID-19 among staff, spokeswoman Janelle Guthrie noted Tuesday it has had none among inmates. There are close to 18,000 prisoners in custody in the state.

“We know friends, family and advocates remain concerned and we want to reassure them, we are doing everything in our power to protect our population, especially the most vulnerable in our care, while at the same time recognizing the importance of a global public health response,” Guthrie said.

But attorneys with Columbia Legal Service insisted that the state has not acted quickly enough. Given that staff and prisoners are constantly entering and leaving state prisons, it’s only a matter of time before there’s an outbreak, they said. And transferring prisoners to hospitals for treatment is likely to help overwhelm the hospitals, could require security arrangements that would affect care of patients from the general population, and could further introduce the virus into nearby cities.

Reducing the prison population will help ensure that the remaining prisoners are able to be separate enough to reduce the virus' spread, said Nick Straley, a lawyer with the group. He said it will also help protect prisoners who are especially vulnerable, such as petitioner Shyanne Colvin, a pregnant, 21-year-old inmate serving a 17-month drug sentence at the Washington Corrections Center for Women in Gig Harbor.

Colvin shares a room, toilet and sink with two women; there are only two beds, so one sleeps on the floor, she said. They attend meals with other inmates, and while the facility has ordered that inmates leave every other seat empty at meal times, that's not sufficient to protect those inside, the petition insists.

In a declaration filed in support of the petition, Cassie Sauer, the head of the Washington State Hospital Association, also urged the DOC to take steps to reduce the risk of an outbreak in the prisons.

Washington's Supreme Court has taken steps to cut the number of defendants entering jails by ordering courts to delay hearings for out-of-custody criminal defendants and to prioritize hearings that could result in defendants being released.

King County said Tuesday it has already reduced its jail population by 300. It is trying to reduce the number of prisoners by one-third overall, from 1,940 to 1,200, to ensure each has a single bunk.